and telephoned the police. In response to this call, the police went to the indicated location to investigate. Upon finding two dead birds in the garbage can behind the building occupied by appellant, together with a letter with appellant's address upon it, the police quite properly went to appellant's apartment to investigate further. (*People v. Michael,* 45 Cal. 2d 751, 753-754.)

It is undisputed that after the officers identified themselves, appellant readily invited them in and voluntarily produced his .22 caliber rifle and ammunition for their inspection. It is doubtful that any search is disclosed by the facts of the instant case, but, in any event, appellant's voluntary and unqualified consent thereto is clearly shown by the evidence. (*People v. Carrillo,* 64 A.C. 402, 407.)

Appellant made no incriminating statments during the investigation conducted at his house other than to indicate his ownership of the guns and the ammunition which he voluntarily showed to the investigating officers. He denied firing the gun on the day in question and he denied that he had used regular .22 caliber ammunition at any time while firing at birds outside his house. He repeated these same statements after he had conferred with his counsel and again at the trial. This record shows no violation of the rule enunciated in *People v. Dorado, supra,* 62 Cal. 2d 338. Moreover, assuming that the investigation had become accusatorial

in nature prior to his actual arrest and prior to the time he was advised concerning his constitutional rights, nevertheless it is obvious that no possible prejudice could result from evidence of statements which were consistent with his defense and which he reiterated in his testimony at the trial. (*People v. Mathis,* 63 Cal. 2d 416, 432-433.)

The judgment is affirmed.

HERNDON, J.

We concur:

ROTH, P.J.

FLEMING, J.

APPENDIX B

AMENDMENT VI—JURY TRIAL FOR CRIMES. AND PROCEDURAL RIGHTS.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witneses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT XIV.—CITIZENSHIP; PRIVILEGES AND IMMUNITIES; DUE PROCESS; EQUAL PROTECTION; APPORTIONMENT OF REPRESENTATION; DISQUALIFICATION OF OFFICERS; PUBLIC DEBT; ENFORCEMENT.

Section 1. All persons born or naturalized in the United States, and Subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

§ 1257. State courts; appeal; certiorari

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity.

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in quesion on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States. June 25, 1948, c. 646, 62 Stat. 929.